

## **REMARKS**

### **I. Amendments**

By this amendment, claims 17, 25 and 31 have been amended.

This amendment adds no new matter to the specification. Support for this amendment is found in the specification and claims as filed.

No change of inventorship is necessitated by this amendment.

## **II. Acknowledgement of Allowable Claims**

Applicants acknowledge the Examiner's indication of the allowability of claims 1-7, 9, 21, 24, 26-30 and 32. However, as no rejections have been applied to pending claims 13-15 in the present Office Action, Applicants assume that claims 13-15 may have been inadvertently omitted from the list of allowable claims. Applicants respectfully request the Examiner's review and confirmation of the status of pending claims 13-15.

### **III. Acknowledgement of Additionally Cited Reference**

Applicants wish to thank the Examiner for bringing the Nichols reference (U.S. Patent No. 4,668,757) to their attention. Applicants have carefully reviewed this reference and do not believe that it detracts from the patentability of the subject invention.

**IV. Discussion of the Rejection of Claims 1-7, 9, 13-15, 17, 18 and 21 under 35 U.S.C. Sec. 112, Second Paragraph**

Claims 17, 18 and 25 have been rejected under 35 U.S.C. Sec. 112, second paragraph as allegedly vague for two reasons. Applicants respectfully traverse the rejection. Each aspect of the rejection will be discussed separately in the following paragraphs.

*Objection to Claims 17 and 18*

As an initial matter, Applicants note that claim 18 does not include the language which the Examiner believes to be unclear. Applicants believe that claim 18 was mistakenly listed, and should in fact be allowable. Clarification as to the status of claim 18 is requested.

In claim 17, the Examiner believes that the language “wherein the symbols have the same meanings as in claim 1” is unclear. The reason given is that it is not clear which symbols the Applicant is referring to in the claim.

Despite the Examiner’s doubts about the claim, Applicants assert that one skilled in the art would readily understand that the symbols referred to are those of the immediately preceding general formula. Though the Applicants completely disagree with the Examiner’s conclusion that the claim is unclear, Applicants have amended claim 17 to state the obvious, that is, the symbols - in order to expedite prosecution. Applicants also disagree with the Examiner’s statement that “All radicals and symbols within in a claim must be defined at that claim” as applied to claim 17, which is a dependent claim.

Claim 17 depends upon claim 1. Since it is a dependent claim, it can refer to claim 1 for definitions of symbols. If claim 17 were independent, then Applicants would agree that all definitions for symbols must be found within the claim.

For the Examiner’s information, Applicants note that R<sup>a</sup> is defined in claim 1 within the definition for E.

The Examiner has also objected to the phrase “wherein the symbols have the same meanings as above”. Applicants assert that those skilled in the art would understand that “above” refers to information provided earlier in the claim. Here again, to expedite prosecution, Applicants have amended claim 17 to recite the symbols. Therefore, Applicants respectfully

submit that the objections listed in points A and B on pages 3 and 4 of the Office Action have been overcome.

Should the Examiner still not believe the claims are sufficiently clear, Applicants respectfully request that the Examiner propose alternative language which she would deem clear.

*Objection to Claim 25*

The Examiner has indicated that the phrase “complications of diabetes” is allegedly ambiguous. Applicants respectfully traverse the rejection.

As an initial matter, Applicants note that this phrase is also found in claim 31.

By this amendment, Applicants have amended claims 25 and 31 to replace “complications of diabetes” with “diabetic complications”. Applicants assert that those skilled in the art of treating diabetes and associated conditions would understand the meaning of this phrase. The terminology is common in the art. For example, the phrase is used in U.S. Patent Nos. 6,177,452 and 6,498,179.

Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, second paragraph rejection.

**V. Conclusion**

Consideration of the claims as amended and allowance is requested. Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, she is respectfully requested to call Applicants' attorney at (847) 383-3391.

Respectfully submitted,

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